

**Annex I
Schedule of Chile**

Sector: All Sectors

Obligations Concerned: National Treatment (Article 10.2)

Measures: *Decreto Ley 1939*, Diario Oficial, noviembre 10, 1977, *Normas sobre adquisición, administración y disposición de bienes del Estado*, Título I

Decreto con Fuerza de Ley 4 del Ministerio de Relaciones Exteriores, Diario Oficial, noviembre 10, 1967

Description Investment

Chile may only dispose of the ownership or other rights over “State land” to Chilean natural or juridical persons, unless the applicable legal exceptions, such as in *Decreto Ley 1939*, apply. “State land” for these purposes refers to State-owned land up to a distance of 10 kilometers from the border and up to a distance of 5 kilometers from the coastline.

Corporeal immovable property situated in areas declared “the borderland zone” by virtue of *Decreto con Fuerza de Ley 4, 1967, of the Ministerio de Relaciones Exteriores* may not be acquired, either as property or in any other title, by (1) natural persons with nationality in a neighboring country; (2) juridical persons with their principal seat in a neighboring country; (3) juridical persons with 40 percent or more of capital owned by natural persons with nationality in a neighboring country; or (4) juridical persons effectively controlled by such natural persons. Notwithstanding the foregoing, this limitation may not apply if an exemption is granted by a *Decreto Supremo* of the President of the Republic based on considerations of national interest.

Sector: All Sectors

Obligations Concerned: National Treatment (Article 11.2)
Local Presence (Article 11.5)

Measures: *Decreto con Fuerza de Ley 1 del Ministerio del Trabajo y Previsión Social, Diario Oficial, enero 24, 1994, Código del Trabajo, Título Preliminar, Libro I, Capítulo III*

Description: Cross-Border Services

A minimum of 85 percent of employees who work for the same Chilean employer shall be Chilean natural persons. This rule applies to employers with more than 25 employees under a contract of employment (*contrato de trabajo*). Specialized technical personnel who cannot be replaced by national personnel shall not be subject to this provision, as determined by the *Dirección del Trabajo*.

An employee shall be understood to mean any natural person who renders intellectual or material services, under dependency or subordination, pursuant to a contract of employment.

Article 20 of the *Código del Trabajo* shall be understood to mean that the personnel that an investor of the United States that has made an investment under Chapter Ten (Investments) requires for starting up in Chile will be treated, for a period of 18 months from the date of start up, as specialized technical personnel that cannot be replaced by national personnel.

For greater certainty, a *contrato de trabajo* is not mandatory for the supply of cross-border trade in services.

Sector:	Communications
Obligations Concerned:	National Treatment (Articles 10.2, 11.2) Most-Favored-Nation Treatment (Articles 10.3, 11.3) Local Presence (Article 11.5) Performance Requirements (Article 10.5) Senior Management and Boards of Directors (Article 10.6)
Measures:	<i>Ley 18838</i> , Diario Oficial, septiembre 30, 1989, <i>Consejo Nacional de Televisión</i> , Títulos I, II, y III <i>Ley 18168</i> , Diario Oficial, octubre 2, 1982, <i>Ley General de Telecomunicaciones</i> , Títulos I, II, y III <i>Ley 19733</i> , Diario Oficial, junio 4, 2001, <i>Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo</i> , Títulos I y III
Description:	<u>Investment and Cross-Border Services</u> The owner of a social communication medium such as sound and image transmissions or a national news agency, shall, in the case of a natural person, have a duly established domicile in Chile, and, in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorized to operate within the national territory. Only Chilean nationals may be president, administrators, or legal representatives of the juridical person. In the case of public radio broadcasting services, the majority of the members of the Board of Directors must be Chilean nationals. The legally responsible director and the person who replaces him or her must be Chilean with domicile and residence in Chile. Requests for public radio broadcasting concessions, submitted by a juridical person in which foreigners hold an interest exceeding 10 percent of the capital, shall be granted only if proof is previously provided verifying that similar rights and obligations as those that an applicant will enjoy in Chile are granted to Chilean nationals in the applicant's country of origin. The <i>Consejo Nacional de Televisión</i> may establish, as a general requirement, that programs broadcast through public (open) television channels include up to 40 percent of Chilean production. Only juridical persons duly constituted in Chile and having

domicile in the country may be the titleholders, or make use of permits, for limited radio broadcasting telecommunications services. Only Chilean nationals may be president, managers, or legal representatives of that juridical person.

Only juridical persons duly constituted in Chile and having domicile in the country may be the titleholders or make use of permits for limited cable television or microwave television services. Only Chilean nationals may be president, directors, managers, administrators, and legal representatives of the juridical person.

Sector:	Energy
Obligations Concerned:	National Treatment (Article 10.2) Performance Requirements (Article 10.5)
Measures:	<i>Constitución Política de la República de Chile</i> , Capítulo III <i>Ley 18097</i> , Diario Oficial, enero 21, 1982, <i>Ley Orgánica Constitucional sobre Concesiones Mineras</i> , Títulos I, II, y III <i>Ley 18248</i> , Diario Oficial, octubre 14, 1983, <i>Código de Minería</i> , Títulos I y II <i>Ley 16319</i> , Diario Oficial, octubre 23, 1965, crea la <i>Comisión Chilena de Energía Nuclear</i> , Títulos I, II, y III
Description:	<u>Investment</u> The exploration, exploitation, and treatment (<i>beneficio</i>) of liquid or gaseous hydrocarbons, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a supreme decree of the President of the Republic. For greater certainty, it is understood that the term <i>beneficio</i> shall not include the storage, transportation, or refining of the energy material referred to in this paragraph. The production of nuclear energy for peaceful purposes may only be carried out by the <i>Comisión Chilena de Energía Nuclear</i> or, with its authorization, jointly with third persons. Should the <i>Comisión</i> grant such an authorization, it may determine the terms and conditions thereof.

Sector:	Mining
Obligations Concerned:	National Treatment (Article 10.2) Performance Requirements (Article 10.5)
Measures:	<i>Constitución Política de la República de Chile</i> , Capítulo III <i>Ley 18097</i> , Diario Oficial, enero 12, 1982, <i>Ley Orgánica Constitucional sobre Concesiones Mineras</i> , Títulos I, II, y III <i>Ley 18248</i> , Diario Oficial, octubre 14, 1983, <i>Código de Minería</i> , Títulos I y III <i>Ley 16319</i> , Diario Oficial, octubre 23, 1965, <i>crea la Comisión Chilena de Energía Nuclear</i> , Títulos I, II, y III
Description:	<u>Investment</u> The exploration, exploitation, and treatment (<i>beneficio</i>) of lithium, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a supreme decree of the President of the Republic. For greater transparency, Chile has the right of first refusal, at the customary market prices and terms, for the purchase of mineral products from mining operations in the country when thorium or uranium are contained in significant amounts therein. For greater certainty, Chile may demand that producers separate from mining products the portion of: <ul style="list-style-type: none"> (1) liquid or gaseous hydrocarbons; (2) lithium; (3) deposits of any kind existing in sea waters subject to national jurisdiction; and (4) deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only,

that exists, in significant amounts, in such mining products and that can be economically and technically separated, for delivery to or for sale on behalf of the State. For these purposes, economically and technically separated means that the costs incurred to recover the four types of substances referred to above through a sound technical procedure, and to commercialize and deliver the same shall be lower than its commercial value.

Extracted natural atomic materials and lithium, and their concentrates, derivatives, and compounds, cannot be subject to any kind of juridical acts, unless executed or entered into by the *Comisión Chilena de Energía Nuclear*, or with its prior authorization. Should the *Comisión* grant an authorization, it shall determine, in turn, the conditions granted therein.

Sector:	Fisheries Aquaculture
Obligations Concerned:	National Treatment (Article 10.2)
Measures:	<i>Ley 18892</i> , Diario Oficial enero 21, 1992, <i>Ley General de Pesca y Acuicultura</i> , Títulos I y VI
Description:	<u>Investment</u> A concession or authorization is required for the use of beaches, land adjacent to beaches (<i>terrenos de playas</i>), water-columns (<i>porciones de agua</i>), and sea-bed lots (<i>fondos marinos</i>) to engage in aquaculture activities. Only Chilean natural or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold an authorization or concession to carry out aquaculture activities.

Sector:	Fisheries
Obligations Concerned:	National Treatment (Articles 10.2, 11.2) Most-Favored-Nation Treatment (Articles 10.3, 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.6)
Measures:	<i>Ley 18892</i> , Diario Oficial, enero 21, 1992, <i>Ley General de Pesca y Acuicultura</i> , Títulos I, III, IV, y IX <i>Decreto Ley 2.222</i> , Diario Oficial, mayo 31, 1978, <i>Ley de Navegación</i> , Títulos I y II
Description:	<u>Investment and Cross-Border Services</u> A permit issued by the <i>Subsecretaría de Pesca</i> is required in order to harvest and catch hydrobiological species in interior waters, in the territorial sea, and in Chile's Exclusive Economic Zone. Only Chilean natural persons or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold permits to harvest and catch hydrobiological species. Only Chilean vessels are permitted to fish in interior waters, in the territorial sea, and in Chile's Exclusive Economic Zone. Chilean vessels are those defined in the <i>Ley de Navegación</i> . Access to industrial extractive fishing activities shall be subject to prior registration of the vessel in Chile. Only a Chilean natural or juridical person may register a vessel in Chile. A juridical person must be constituted in Chile with principal domicile and real and effective seat in Chile. The president, manager, and the majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 percent of its equity capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the requirements mentioned above. A joint ownership (<i>comunidad</i>) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chilean natural persons; and (3) the majority of the rights of the joint ownership (<i>comunidad</i>) belong to a Chilean natural or juridical person. For

these purposes, a juridical person with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the requirements mentioned above.

An owner (natural or juridical person) of a fishing vessel registered in Chile prior to June 30, 1991 shall not be subject to the nationality requirement mentioned above.

In cases of reciprocity granted to Chilean vessels by other States, fishing vessels specifically authorized by the maritime authorities pursuant to powers conferred by law may be exempted from the requirements mentioned above on equivalent terms provided to Chilean vessels by that State.

Access to small-scale fishing activities (*pesca artesanal*) shall be subject to registration in the *Registro de Pesca Artesanal*. Registration for small-scale fishing (*pesca artesanal*) is only granted to Chilean natural persons and foreign natural persons with permanent residency, or a Chilean juridical person constituted by the aforementioned persons.

Sector: Sports, Industrial Fishing and Hunting, and Recreational Services

Obligations Concerned: Local Presence (Article 11.5)

Measure: *Ley 17798*, Diario Oficial, octubre 21, 1972, Título I

Decreto Supremo 77 del Ministerio de Defensa, Diario Oficial, agosto 14, 1982

Description: Cross-Border Services

Any person who owns guns, explosives, or similar substances must register with the appropriate authority in its domicile, for which purpose a request shall be submitted to the *Dirección General de Movilización Nacional del Ministerio de Defensa*.

Any natural or juridical person registered as an importer of fireworks may request authorization for importation and entrance thereof into Chile from Group No. 3 of the *Dirección General de Movilización Nacional* and may keep stocks of said elements for sale to persons holding authorization to stage pyrotechnical shows.

The Supervisory Authority (*Autoridad Fiscalizadora*) shall only authorize pyrotechnical shows if a report is available with regard to the installation, development, and security measures for the show, which must be signed and approved by a fireworks programmer registered in the national registries of the *Dirección General de Movilización Nacional* or by a professional certified by said *Dirección General*.

For the production and execution of pyrotechnical shows, the presence of at least a fireworks expert handler registered with the *Dirección General* shall be required.

Sector: Specialized Services
Customs Agents (*Agentes de Aduana*) and Brokers (*Despachadores de Aduana*)

Obligations Concerned: National Treatment (11.2)
Local Presence (11.5)

Measures: *Decreto con Fuerza de Ley 30 del Ministerio de Hacienda, Diario Oficial, abril 13, 1983, Libro IV*

Description: Cross-Border Services

Only Chilean natural persons may act as customs brokers (*Despachadores de Aduana*) or agents (*Agentes de Aduana*).

Sector: Specialized Services
Private Armed Security Guards

Obligations Concerned: National Treatment (Article 11.2)

Measures: *Decreto 1.773 del Ministerio del Interior*, Diario Oficial,
noviembre 14, 1994

Description: Cross-Border Services

Only Chilean nationals may provide services as private armed security guards.

Sector:	Business Services Research Services
Obligations Concerned:	National Treatment (Article 11.2)
Measures:	<i>Decreto Supremo 711 del Ministerio de Defensa</i> , Diario Oficial, octubre 15, 1975
Description:	<u>Cross-Border Services</u> Foreign natural and juridical persons intending to conduct research in the Chilean 200-mile maritime zone shall be required to submit a request six months in advance to the <i>Instituto Hidrográfico de la Armada de Chile</i> and shall comply with the requirements established in the corresponding regulation. To that end they must submit a request at least six months in advance of the date on which they intend to begin the research.

Sector: Business Services
Research Services

Obligations Concerned: National Treatment (Article 11.2)

Measures: *Decreto con Fuerza de Ley 11 del Ministerio de Economía*, Diario Oficial, diciembre 5, 1968

Decreto 559 del Ministerio de Relaciones Exteriores, Diario Oficial, enero 24, 1968

Decreto con Fuerza de Ley 83 del Ministerio de Relaciones Exteriores, Diario Oficial, marzo 27, 1979

Description: Cross-Border Services

Natural persons representing foreign juridical persons, or natural persons residing abroad, intending to perform explorations for work of a scientific or technical nature, or mountain climbing, in areas that are adjacent to Chilean borders shall apply for the appropriate authorization through a Chilean Consul in the country of domicile of the natural person. The Chilean consul shall then send such request directly to the *Dirección de Fronteras y Límites del Estado*. The *Dirección* may order that one or more Chilean natural persons working in the appropriate related activities shall join the expedition in order to become acquainted with the studies to be undertaken.

The *Departamento de Operaciones de la Dirección de Fronteras y Límites del Estado* shall decide and announce whether it authorizes or rejects geographic or scientific explorations to be carried out by foreign juridical or natural persons in Chile. The *Dirección de Fronteras y Límites del Estado* shall authorize and will supervise all explorations involving work of a scientific or technical nature, or related to mountain climbing, that foreign juridical persons or natural persons residing abroad intend to carry out in areas adjacent to Chilean borders.

Sector:	Business Services Research in Social Sciences
Obligations Concerned:	National Treatment (Article 11.2)
Measures:	<i>Ley 17288</i> , Diario Oficial, febrero 4, 1970, Título V <i>Decreto Supremo 484 del Ministerio de Educación</i> , Diario Oficial, abril 2, 1991
Description:	<u>Cross-Border Services</u> Foreign juridical or foreign natural persons intending to perform excavations, surveys, probing, and/or collect anthropological, archeological, or paleontological material must apply for a permit from the <i>Consejo de Monumentos Nacionales</i> . In order to obtain the permit, the person in charge of the research must be engaged by a reliable foreign scientific institution and must be working in collaboration with a Chilean state-owned scientific institution or a Chilean university. The aforementioned permit can be granted to (1) Chilean researchers having the pertinent scientific background in archeology, anthropology, or paleontology, duly certified as appropriate, and also having a research project and due institutional sponsorship; and (2) foreign researchers, provided that they are engaged by a reliable scientific institution and that they work in collaboration with a Chilean governmental scientific institution or a Chilean university. Museum Directors or Curators acknowledged by the <i>Consejo de Monumentos Nacionales</i> , professional archeologists, anthropologists, or paleontologists, as appropriate, and the members of the <i>Sociedad Chilena de Arqueología</i> shall be authorized to perform salvage-related works. Salvage involves the urgent recovery of data or archeological, anthropological, or paleontological artifacts or species threatened by imminent loss.

Sector:	Printing, Publishing, and Other Related Industries
Type of Reservation:	National Treatment (Articles 10.2, 11.2) Most-Favored-Nation Treatment (Articles 10.3, 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.6)
Measures:	<i>Ley 19733</i> , Diario Oficial junio4, 2001, <i>Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo</i> , Títulos I y III
Description:	<u>Investment and Cross-Border Services</u> The owner of a social communication medium such as newspapers, magazines, or regularly published texts whose publishing address is located in Chile, or a national news agency, shall in the case of a natural person have a duly established domicile in Chile and, in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorized to operate within the national territory. Only Chilean nationals may be president, administrators, or legal representatives of the juridical person. The director legally responsible and the person who replaces him or her must be Chilean with domicile and residence in Chile.

Sector:	Professional, Technical, and Specialized Services Professional Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Measures:	<p><i>Ley 18.046</i>, Diario Oficial, octubre 22, 1981, <i>Ley de Sociedades Anónimas</i>, Título V</p> <p><i>Decreto Supremo 587 del Ministerio de Hacienda</i>, Diario Oficial, noviembre 13, 1982, <i>Reglamento de Sociedades Anónimas</i></p> <p><i>Decreto Ley 1.097</i>, Diario Oficial, julio 25, 1975, Títulos I, II, III, y IV</p> <p><i>Decreto Ley 3.538</i>, Diario Oficial, diciembre 23, 1980, Títulos I, II, III, y IV</p> <p><i>Circular 2.714</i>, octubre 6, 1992; <i>Circular 1</i>, enero 17, 1989; <i>Capítulo 19 de la Recopilación Actualizada de Normas de la Superintendencia de Bancos e Instituciones Financieras sobre Auditores Externos</i></p> <p><i>Circulares 327</i>, junio 29, 1983, y <i>350</i>, octubre 21, 1983, <i>de la Superintendencia de Valores y Seguros</i></p>
Description:	<p><u>Cross-Border Services</u></p> <p>External auditors of financial institutions must be registered in the Registry of External Auditors kept by the <i>Superintendencia de Bancos e Instituciones Financieras</i> and the <i>Superintendencia de Valores y Seguros</i>. Only firms legally incorporated in Chile as partnerships (<i>sociedades de personas</i>) or associations (<i>asociaciones</i>) and whose main line of business is auditing services may be inscribed in the Registry.</p>

Sector:	Professional Services Legal Services
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3)
Measures:	<i>Código Orgánico de Tribunales</i> , Título XV <i>Decreto 110 del Ministerio de Justicia</i> , Diario Oficial, marzo 20, 1979 <i>Ley 18.120</i> , Diario Oficial, mayo 18, 1982 <i>Convenio sobre Mutuo Reconocimiento de Exámenes y de Títulos Profesionales entre Chile y Ecuador</i> , Diario Oficial, julio 16, 1937
Description:	<u>Cross-Border Services</u> Only Chilean natural persons shall be authorized to practice as lawyers (<i>abogados</i>). Only lawyers (<i>abogados</i>) duly qualified to practice law shall be authorized to plead a case in Chilean courts and to file the first legal action or claim of each party. The following documents, among others, shall be drawn up solely by lawyers (“ <i>abogados</i> ”): drafting of articles of incorporation and amendments thereto; mutual termination of obligations or liquidation of corporations; liquidation of community property between spouses (<i>sociedad conyugal</i>); distribution of property; articles of incorporation of juridical persons, associations, water canal members (<i>asociaciones de canalistas</i>), and cooperatives associations (<i>cooperativas</i>); agreements governing financial transactions; corporate bond issuance agreements; and sponsoring applications for legal representation made by corporations and foundations. Chile has a bilateral agreement with Ecuador, whereby Ecuadorian citizens holding a lawyers degree granted by a University in Ecuador are admitted to practice as lawyers (<i>abogado</i>) in Chile. None of these measures apply to foreign legal consultants who practice or advise on the law of any country in which that consultant is authorized to practice as a lawyer.

Sector:	Professional, Technical, and Specialized Services Auxiliary Services in the Administration of Justice
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Measures:	<i>Código Orgánico de Tribunales</i> , Títulos XI y XII <i>Reglamento del Registro del Conservador de Bienes Raíces</i> , Títulos I, II, y III <i>Ley 18.118</i> , Diario Oficial 22 de mayo, 1982, Título I <i>Decreto 197 del Ministerio de Economía</i> , Diario Oficial 8 de agosto, 1985 <i>Ley 18.175</i> , Diario Oficial 28 de octubre, 1982, Título III
Description:	<u>Cross-Border Services</u> Justice ancillaries (<i>auxiliares de justicia</i>) must have their residence in the same city or place where the court house for which they render services is domiciled. Public defenders (<i>defensores públicos</i>), public notaries (<i>notarios públicos</i>), and custodians (<i>conservadores</i>) shall be Chilean natural persons and fulfill the same requirements needed to become a judge. Archivists (<i>archiveros</i>) and arbitrators at law (<i>arbitros de derecho</i>) must be lawyers and, therefore, must be Chilean natural persons. United States lawyers may assist in arbitration when dealing with U.S. law and the private parties request it. Only Chilean natural persons with the right to vote, and foreign natural persons with permanent residence and the right to vote, can act as process servers (<i>receptores judiciales</i>) and superior court attorneys (<i>procuradores del número</i>). Only Chilean natural persons, foreign natural persons with permanent residence in Chile, or Chilean juridical persons may be auctioneers (<i>martilleros públicos</i>). Receivers in bankruptcy (<i>síndicos de quiebra</i>) must have a professional or technical degree granted by a university or a

professional or technical institute recognized by Chile. Receivers in bankruptcy must have at least three years of experience in the commercial, economic, or juridical field.

Sector:	Transportation Air Transportation
Obligations Concerned:	National Treatment (Articles 10.2, 11.2) Most-Favored-Nation Treatment (Articles 10.3, 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.6)
Measures:	<p><i>Ley 18.916</i>, Diario Oficial, febrero 8, 1990, <i>Código Aeronáutico</i>, Títulos preliminar, II y III</p> <p><i>Decreto Ley 2.564</i>, Diario Oficial, junio 22, 1979, <i>Normas sobre Aviación Comercial</i></p> <p><i>Decreto Supremo 624 del Ministerio de Defensa</i>, Diario Oficial, enero 5, 1995</p> <p><i>Ley 16.752</i>, Diario Oficial, febrero 17, 1968, Título II</p> <p><i>Decreto 34 del Ministerio de Defensa</i>, Diario Oficial, febrero 10, 1968</p> <p><i>Decreto Supremo 102 del Ministerio de Transportes y Telecomunicaciones</i>, Diario Oficial, junio 17, 1981</p> <p><i>Decreto supremo 172 del Ministerio de Defensa</i>, Diario Oficial, marzo 5, 1974</p> <p><i>Decreto Supremo 37 del Ministerio de Defensa</i>, Diario Oficial, diciembre 10, 1991</p> <p><i>Decreto 234 del Ministerio de Defensa</i>, Diario Oficial, junio 19, 1971</p>
Description:	<p><u>Investment and Cross-Border Services</u></p> <p>Only a Chilean natural or juridical person may register an aircraft in Chile. A juridical person must be constituted in Chile with principal domicile and real effective seat in Chile. In addition, a majority of its ownership must be held by Chilean natural or juridical persons, which in turn must comply with the aforementioned requisites.</p> <p>The president, manager, majority of directors, and/or administrators of the juridical person must be Chilean natural</p>

persons.

A foreign registered private aircraft engaged in non-commercial activities may not remain in Chile more than 30 days from its date of entry into Chile, unless authorized by the *Dirección General de Aeronáutica Civil*. For greater certainty, this measure shall not apply to specialty air services as defined in Article 11.12 (Definitions), except for glider towing and parachute jumping.

In order to work as crew members on aircraft used by a Chilean aviation company, foreign aviation staff shall be required first to obtain a Chilean license with the appropriate permits enabling them to discharge the pertinent duties.

Foreign aviation personnel shall be allowed to work in that capacity in Chile provided that Chilean civil aviation authorities validate the license or authorization granted by a foreign country. In the absence of an international agreement regulating such validation, the license or authorization shall be granted under conditions of reciprocity. In that case, proof shall be submitted showing that the licenses or authorizations were issued or validated by the pertinent authorities in the State where the aircraft is registered, that the documents are in force, and that the requirements for issuing or validating such licenses and authorizations meet or exceed the standards required in Chile for analogous cases.

Air transportation services may be provided by Chilean or foreign companies subject to the condition that, along the routes in which they operate, foreigners grant similar rights to Chilean aviation companies when so requested. The *Junta Aeronáutica Civil*, by means of a substantiated resolution (*resolución fundada*), may terminate, suspend, or limit domestic traffic services (cabotage) or any other class of commercial aviation services carried out solely in Chilean territory by foreign companies or aircraft if in their country of origin the right to equal treatment for Chilean companies and aircraft is denied.

Foreign civil aircraft not engaging in commercial transport activities or non-scheduled commercial air transport intending to enter Chilean territory, including its territorial waters, to fly over Chile, and to make stop-overs for non-commercial purposes, shall be required to notify the *Dirección General de Aeronáutica Civil* at least twenty-four hours in advance. Commercial traffic aircraft not operating on a regular basis shall not be allowed to carry passengers, cargo, or mail in Chilean territory without prior

authorization by the *Junta de Aeronáutica Civil*.

Sector:	Transportation Shipping
Obligations Concerned:	National Treatment (Articles 10.2, 11.2) Most-Favored-Nation Treatment (Articles 10.3, 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.6)
Measures:	<p><i>Decreto Ley 3.059</i>, Diario Oficial, diciembre 22, 1979, <i>Ley de Fomento a la Marina Mercante</i>, Títulos I y II</p> <p><i>Decreto Supremo 24</i>, Diario Oficial, marzo 10, 1986, <i>Reglamento del Decreto Ley 3.059</i>, Títulos I y II</p> <p><i>Decreto Ley 2.222</i>, Diario Oficial, mayo 31, 1978, <i>Ley de Navegación</i>, Títulos I, II, III, IV, y V</p> <p><i>Decreto Supremo 153</i>, Diario Oficial, marzo 11, 1966, <i>Aprueba el Reglamento General de Matrícula del Personal de Gente de Mar, Fluvial y Lacustre</i></p> <p><i>Código de Comercio</i>, Libro III, Títulos I, IV, y V</p> <p><i>Ley 19.420</i>, Diario Oficial, octubre 23, 1995, <i>Establece incentivos para el desarrollo económico de las provincias de Arica y Parinacota y modifica cuerpos legales que indica</i>, Título Disposiciones varias</p>
Description:	<p><u>Investment and Cross-Border Services</u></p> <p>Only a Chilean natural or juridical person may register a vessel in Chile. A juridical person must be constituted with principal domicile and real and effective seat in Chile. Its president, manager, and majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 percent of its capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the aforementioned requisites.</p> <p>A joint ownership (<i>comunidad</i>) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chileans; and (3) the majority of the rights of the joint ownership belong to a Chilean natural or juridical person. For these purposes, a juridical person</p>

with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the aforementioned requisites to be considered Chilean.

Special vessels owned by foreign natural or juridical persons domiciled in Chile may under certain conditions be registered in the country. For these purposes, a special vessel does not include a fishing vessel. Foreign natural or juridical persons must meet the following conditions: (1) domicile in Chile; (2) principal head office in the country; or (3) undertaking a profession or commercial activity in a permanent way in Chile. The maritime authority may, for reasons of national security, impose certain special restrictions on the operation of these vessels.

The maritime authority may provide better treatment based on the principle of reciprocity.

Foreign vessels shall be required to use pilotage, anchoring, and harbor pilotage services when the maritime authorities so require it. In tugging activities or other maneuvers performed in Chilean ports, only tugboats flying the Chilean flag shall be used.

Captains shall be required to be Chilean nationals and to be acknowledged as such by the pertinent authorities. Officers on Chilean vessels must be Chilean natural persons registered in the Officers' Registry (*Registro de oficiales*). Crewmembers of a Chilean vessel must be Chilean, have the permit granted by the Maritime Authority, and be registered in the respective Registry. Professional titles and licenses granted by a foreign country shall be considered valid for the discharge of officers' duties on national vessels pursuant to a substantiated resolution (*resolución fundada*) issued by the Director.

Ship captains (*patrón de nave*) shall be Chilean nationals. The ship captain is the natural person who, pursuant to the corresponding title awarded by the Director, is empowered to exercise command on smaller vessels and on certain special larger vessels.

Only Chilean nationals, or foreigners with domicile in Chile, shall be authorized to act as fishing boat captains (*patrones de Pesca*), machinists (*mecánicos-motoristas*), machine operators (*motoristas*), sea-faring fishermen (*marineros pescadores*), small-scale fishermen (*pescadores*), industrial or maritime trade technical employees or workers, and industrial and general ship service crews on fishing factories or fishing boats when so

requested by ship operators (*armadores*) in order to initiate such work.

In order to fly the national flag, the ship captain (*patrón de nave*), its officers, and crew must be Chilean nationals. Nevertheless, the *Dirección General del Territorio Marítimo y de Marina Mercantea*, on the basis of a substantiated resolution (*resolución fundada*), may authorize the hiring of foreign personnel, on a temporary basis if essential, with the exception of the captain, who, at all times, must be a Chilean national.

Only a Chilean natural or juridical person shall be authorized to work in Chile as a multimodal operator.

Cabotage shall be reserved for Chilean vessels. Cabotage shall include the ocean, river, or lake shipping of passengers and cargo between different points of the national territory and between such points and naval artifacts installed in territorial waters or in the exclusive economic zone.

Foreign merchant vessels may be able to participate in cabotage when cargo volumes exceed 900 tons, following a public tender called by the user with due anticipation. When the cargo volumes involved are equal to or less than 900 tons, and no vessels flying the Chilean flag are available, the Maritime Authority shall authorize embarking such cargo on foreign merchant vessels. The reservation of coastal trade to Chilean vessels shall not apply in the event of cargo coming from or destined for ports located in the Province of Arica.

In the event that Chile should adopt, for reasons of reciprocity, a cargo reservation measure applicable to international cargo transportation between Chile and a non-Party, the reserved cargo shall be transported in Chilean-flag vessels or in vessels considered as such.

Sector: Transportation
Shipping

Obligations Concerned: National Treatment (Articles 10.2, 11.2)
Local Presence (Article 11.5)
Senior Management and Boards of Directors (Article 10.6)

Measures: *Código de Comercio*, Libro III, Títulos I, IV y V

Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, *Ley de Navegación*, Títulos I, II, y IV

Decreto 90 del Ministerio del Trabajo y Seguridad Social, Diario Oficial, enero 21, 2000

Decreto 49 del Ministerio del Trabajo y Seguridad Social, Diario Oficial, julio 16, 1999

Código del Trabajo, Libro I, Título II, Capítulo III, párrafo 2º

Description: Investment and Cross-Border Services

Shipping agents or representatives of ship operators, owners, or captains, whether they are natural or juridical persons, shall be required to be Chilean nationals.

Work of stowage and dockage performed by natural persons is reserved to Chileans who are duly accredited by the corresponding authority to carry out such work and have an office established in Chile.

Whenever these activities are carried out by juridical persons, they must be legally constituted in the country and have their principal domicile in Chile. The chairman, administrators, managers, or directors must be Chilean. At least 50 percent of the corporate capital must be held by Chilean natural or juridical persons. Such enterprises shall designate one or more empowered agents, who will act in their representation and who shall be Chilean nationals.

Harbor workers shall pass a basic course on harbor security in a *Organismo Técnico de Ejecución* authorized by the National Service of Training and Employment, according to the norms established in the respective regulation.

Anyone unloading, transshipping, and, generally, using continental

or insular Chilean ports, particularly for landing fish catches or processing fish catches on board, shall also be required to be a Chilean natural or juridical person.

Sector:	Transportation Land Transportation
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Measures:	<i>Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, noviembre 21, 1992</i> <i>Decreto 163 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, enero 4, 1985</i> <i>Decreto Supremo 257 del Ministerio de Relaciones Exteriores, Diario Oficial, octubre 17, 1991</i>
Description:	<u>Cross-Border Services</u> Land transportation service providers shall register in the National Registry by submitting an application to the Regional Secretary of Transportation and Telecommunications. In the case of urban services, applicants shall submit the application to the Regional Secretary responsible for the area in which the service is to be provided and, in the case of rural and interurban services, in the region where the applicant is domiciled. The application shall provide the detailed information required by law, attaching thereto, among other documents, a properly certified photocopy of the National Identity Card and, in the case of juridical persons, the public instruments accrediting its constitution, name, and domicile of its legal representative and documents evidencing such capacity. Foreign natural and juridical persons qualified to provide international transportation services in Chilean territory cannot provide local transportation services or participate in any manner whatsoever in said activities in the national territory. Only companies with actual and effective domicile in Chile and organized under the laws of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay, or Paraguay shall be authorized to provide international land transportation services between Chile and Argentina, Bolivia, Brazil, Peru, Uruguay, and Paraguay. Furthermore, to obtain an international land transport permit, in the case of foreign juridical persons, more than 50 percent of its corporate capital and effective control shall be held by nationals of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay, or Paraguay.

Sector:	Transportation Land Transportation
Type of Reservation:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3)
Measures:	<i>Ley 18290</i> , Diario Oficial, febrero 7, 1984, Título IV <i>Decreto Supremo 485 del Ministerio de Relaciones Exteriores</i> , Diario Oficial, septiembre 7, 1960, <i>Convención de Ginebra</i>
Description:	<u>Cross-Border Services</u> Motor vehicles bearing foreign license plates that enter the country on a temporary basis, pursuant to provisions set forth in the 1949 <i>Geneva Convention on Road Traffic</i> , shall circulate freely throughout the national territory for the period established therein, provided that they comply with the requirements established by Chilean law. Holders of valid international driving licenses or certificates issued in a foreign country in accordance with the Geneva Convention may drive anywhere within the national territory. The driver of a vehicle bearing foreign license plates who holds an international driver's license shall present, upon request by the authorities, the documents certifying both the roadworthiness of the vehicle and the use and validity of his or her personal documents.